



#19

**DECLARATION AND POWER OF
ATTORNEY ORIGINAL PATENT APPLICATION**

As a below named inventor, I hereby declare that:

Type of Application

This declaration is for the following type application:

<u> X </u>	Original
<u> </u>	Design
<u> </u>	National Stage of PCT
<u> </u>	Divisional
<u> </u>	Continuation
<u> </u>	Continuation-in-Part (CIP)

Inventorship Identification

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

MEDICAMENTS FOR CHEMOTHERAPEUTIC TREATMENT OF DISEASE

Specification Identification

The specification of which:

<u> </u>	is attached hereto.
<u> X </u>	was filed on <u>July 6, 2001</u> as Application Serial No. <u>09/900,355</u> .
<u> </u>	was described and claimed in PCT International Application No. <u> </u> filed on <u> </u> and as amended under PCT Article 19 on <u> </u> (if any).

Acknowledgment of Review of Papers and Duty of Candor

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by ~~any~~ amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56, which provides:

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner described by §§ 1.97 (b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine; (1) prior art cited in search reports of a foreign patent office in a counterpart application, and (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) it refutes, or is inconsistent with, a position the applicant takes in:

(i) opposing an argument of unpatentability relied on by the Office, or

(ii) asserting an argument of patentability.

A ~~prima~~ facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) each inventor named in the application;

(2) each attorney or agent who prepares or prosecutes the application; and

(3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

— In compliance with this duty there is attached an information disclosure statement, 37 CFR 1.97.

I do not know and do not believe that the invention was ever known or used in the United States of America before my or our invention thereof; I do not know and do not believe that the invention was ever patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application; I do not know and do not believe that the invention was in public use or on sale in the United States of America more than one year prior to this application; and the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application.

Priority Claim

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

 X No such applications have been filed.

 Such applications have been filed as follows.

Claim For Benefit Of Earlier U.S. Application Under 35 USC §120

I hereby claim the benefit under Title 35, United States Code, § 120 and 37 CFR §1.78 of any U.S. application(s) for patent that is listed below.

Country	Application Number	Date of Filing	Patent	Pending
U.S.	60/218,464	7-14-00		Yes
U.S.	09/130,041	8-6-98		Yes
U.S.	60/149,015	8-13-99		
U.S.	09/635,276	8-9-00		Yes
U.S.	60/191,803	3-24-00		
U.S.	09/799,785	3-6-01		Yes

Power of Attorney

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business with the Patent and Trademark Office connected therewith.

Edward D. Manzo, 28,139

Send correspondence to:
Edward D. Manzo, Esq.
COOK, ALEX, MCFARRON, MANZO,
CUMMINGS & MEHLER, Ltd.
200 West Adams Street
Suite 2850
Chicago, Illinois 60606

Direct telephone calls to:
Edward D. Manzo, Esq.
(312) 236-8500

Declaration

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor H. Craig Does
Country of Citizenship U.S.A.
Residence and
Post Office Address 1006 Wyndham Way, Apt. 1517, Knoxville,
Tennessee 37923
Inventor's Signature H. Craig Does Date 11/30/01

Full name of second joint inventor, Timothy C. Scott
Country of Citizenship U.S.A.
Residence and
Post Office Address 10225 Bob Gray Road, Knoxville, Tennessee 37923
Inventor's Signature Timothy C. Scott Date 11/30/01

BEST AVAILABLE COPY

ASSIGNMENT

Identity Of The Patent Application. I am the inventor (or one joint inventor) of a patent application that I am assigning. The patent application I am assigning is entitled Medicaments For Chemotherapeutic Treatment of Disease which I executed herewith. If the patent application has already been filed, it received serial number 09/900,355 and bears a filing date of July 6, 2001.

The Assignee and The Assignment. I assign my patent rights to Photogen, Inc., a corporation organized according to the laws of Tennessee, having a place of business at 7327 Oak Ridge Highway, Knoxville, Tennessee 37931 (hereinafter "the Assignee"). The rights I assign are my entire right, title and interest in the invention or improvements disclosed in the patent application and any and all other applications for United States Letters Patent which I may file, either solely or jointly with others, on the invention or improvements, including all continuations, divisionals, and continuations-in-part, and in any and all United States Letters Patent which may be obtained on any of said applications, and in any reissue or extension thereof. I also assign to the Assignee all priority rights under the International Convention. I agree to execute, at the request of the Assignee, all documents in connection with any application for United States letters patent therefor.

Payment Received. I am making this assignment in consideration of One Dollar and other good and valuable consideration. I acknowledge the receipt and sufficiency of the consideration.

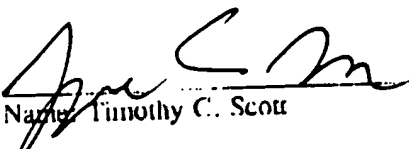
Authorizations. I request the U.S. Commissioner of Patents and Trademarks to issue the Letters Patent to the Assignee. I authorize the attorney(s) of record in the application to insert in this assignment document the date and serial number of the application.

Further Acts. I agree, upon the request and at the expense of the Assignee, to execute any divisional, continuation or substitute application for the invention or improvements, and any oath, declaration or affidavit relating thereto, and any application for the reissue or extension of any Letters Patent that may be granted upon the application. I agree to perform, upon request, any affirmative acts to obtain said Letters Patent of the United States and to vest in the Assignee all rights therein, so that the Letters Patent will be held and enjoyed by the Assignee, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held and enjoyed by me if this assignment had not been made.

Interference. In the event that any application or Letters Patent that I now assign becomes involved in interference, I agree to cooperate to the best of my ability in the matters of preparing and executing the preliminary statement and giving and producing evidence in support thereof.


Name: H. Craig Dees

11/30/01
Date


Name: Timothy C. Scott

11/30/01
Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty Docket No: PHO-122

In re application of: H. Craig DEES et al)
Serial No: 09/900,355)
Filed: July 6, 2001)
For: MEDICAMENTS FOR CHEMOTHERAPEUTIC)
TREATMENT OF DISEASE)
Art Unit: 1614)
Examiner:)

I hereby certify that this correspondence
is being deposited with the United States
Postal Service as first class mail in an
envelope addressed to:
Commissioner for Patents, Washington,
D.C. 20231, on December 5, 2001

PATENT ASSIGNMENT COVER SHEET

Commissioner for Patents
Washington, D. C. 20231

December 5, 2001
Date: _____

Sir:
Please record the attached original document or copy thereof. Total number of pages (with cover sheet): 2

<p>1a. Name of Conveying Party(ies): <u>H. Craig DEES; Timothy C. SCOTT</u></p> <p>1b. Name of Conveying Party(ies): _____</p> <p>2a. Name and Address of Receiving Party(ies): Name: <u>Photogen, Inc.</u> Address: <u>7327 Oak Ridge Highway</u> <u>Knoxville, TN 37931</u> <u>USA</u></p> <p>2b. Name and Address of Receiving Party(ies): Name: _____ Address: _____</p> <p>3. Nature of Conveyance <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____ <input checked="" type="checkbox"/> Execution Date: <u>November 30, 2001</u></p> <p>4. Application Number(s) or Patent number(s) (If this document is being filed together with a new application, the execution date of the application is: _____)</p> <p>4a. Patent Application No.(s) <u>09/900,355</u></p> <p>4b. Patent No.(s) _____</p>	<p>5. Name and Address of Party to Whom Correspondence Concerning Document Should be Mailed: <u>Mark J. Murphy, Esq.</u> <u>COOK, ALEX, McFARRON, MANZO, CUMMINGS & MEHLER, LTD.</u> <u>200 West Adams Street, Suite 2850</u> <u>Chicago, Illinois 60606</u></p> <p>6. Total Number of Applications and Patents Involved: <u>1</u></p> <p>7. Total Fee (37 CFR 3.41): <u>\$40.00</u> 7a. <input checked="" type="checkbox"/> Enclosed 7b. <input checked="" type="checkbox"/> Authorized to be Charged to Deposit Account For Any Deficiency</p> <p>8. Deposit Account Number: <u>50/1039</u> (A duplicate copy of this page is attached)</p> <p>9. Statement and Signature: <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i></p> <p><u>Stephen B. Heller</u> Name of Person Signing Reg. No: 30,181</p> <p><u>Stephen B. Heller</u> Signature</p> <p>Date: December 5, 2001</p>
<p>DO NOT USE THIS SPACE</p>	